

✓ \$ 2021
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ju-Ho LEE et al.

Group Art Unit: 2681

Serial No.: 10/777,431

Docket: 678-1352

Filed: February 12, 2004

Dated: July 12, 2004

For: SCHEDULING APPARATUS AND METHOD
IN A CDMA MOBILE COMMUNICATION SYSTEM

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF
ITEMS CONSIDERED AS OMITTED BY THE P.T.O. -
RESPONSE TO NOTICE OF OMITTED ITEMS**

Sirs:

This is in response to the Notice of Omitted Items in a Non-Provisional Application mailed for this application on May 12, 2004. A copy of the Notice of Omitted Items is enclosed.

Applicants assert that the items indicated as omitted, i.e. Figures 6 and 12-14, were in fact deposited with the P.T.O. with the original application papers filed on February 12, 2004.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 12, 2004.

Dated: July 12, 2004


Paul J. Farrell

07/20/2004 CCHAU1

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Applicants hereby:

- a. petition under 37 C.F.R. §1.53(e) for a review of the determination that the items in issue were omitted;
- b. submit the petition fee under 37 C.F.R. §1.17(i);
- c. submit a photocopy of the return receipt postcard showing thereon that fourteen (14) sheets of formal drawings were in fact deposited; and
- d. submit a photocopy of Figures 1-14 as previously filed.

Attached is a check in the amount of \$130.00. Please charge any additional fees required by this paper or credit any overpayment in the matter to Deposit Account No. 04-1121. A duplicate of this paper is attached.

It is respectfully requested that, upon grant of the petition under 37 C.F.R. §1.53(e), the petition fee be refunded to Deposit Account No. 04-1121.

It is noted that the postcard received from the PTO contains a handwritten notation "Pages 6, 12, 13, 14", but it does not indicate that these items were omitted.

In addition, Applicants further assert that the items indicated as omitted, i.e. Figures 6 and 12-14, would not cause a defect in the application because the original application papers filed with the PTO on February 12, 2004 incorporated by reference the entire contents of the foreign application, i.e. Korean Appln. No. 2003-9665, which contains Figures 6 and 12-14, and from which priority is claimed under 35 U.S.C. §119.

Respectfully submitted,



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Registration No. 33,494
Attorney for Applicants

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/777,431	02/12/2004	Ju-Ho Lee	678-1352 (P11800)

28249
 DILWORTH & BARRESE, LLP
 PAUL J. FARRELL
 333 EARLE OVINGTON BLVD.
 UNIONDALE, NY 11553



CONFIRMATION NO. 4335

FORMALITIES LETTER



OC000000012597385

Date Mailed: 05/12/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 6, & 12 - 14 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:
New U.S. Patent Application of Ju-Ho LEE, Yong-Jun KWAK, Sung-Ho CHOI,
Youn-Hyoung HEO and Young-Bum KIM
entitled: **SCHEDULING APPARATUS AND METHOD IN A CDMA MOBILE
COMMUNICATION SYSTEM** comprising

1. Utility Application Data Sheet Under 37 C.F.R. §1.76 (in triplicate)
2. Utility Patent Application Transmittal
3. Fee Transmittal for FY 2004 (in duplicate)
4. Check for \$1,072.00 (filing fee)
5. Check for \$40.00 (recording fee)
6. Specification (39 pgs.), claims (11 pgs.), Abstract (1 pg.), formal drawings (14 pgs.)
7. Executed Declaration
8. Recordation Form Cover Sheet
9. Executed Assignment Document
10. Return Postcard

All submitted Under Certificate of Mailing Under 37 C.F.R. 1.10
Express Mail No. EL995747223US dated February 12, 2004
Docket: 678-1352 (P11800) PJF/DMO/joz

SL
Pages 6, 12, 13, 14
19270 U.S. PTO
10/777431



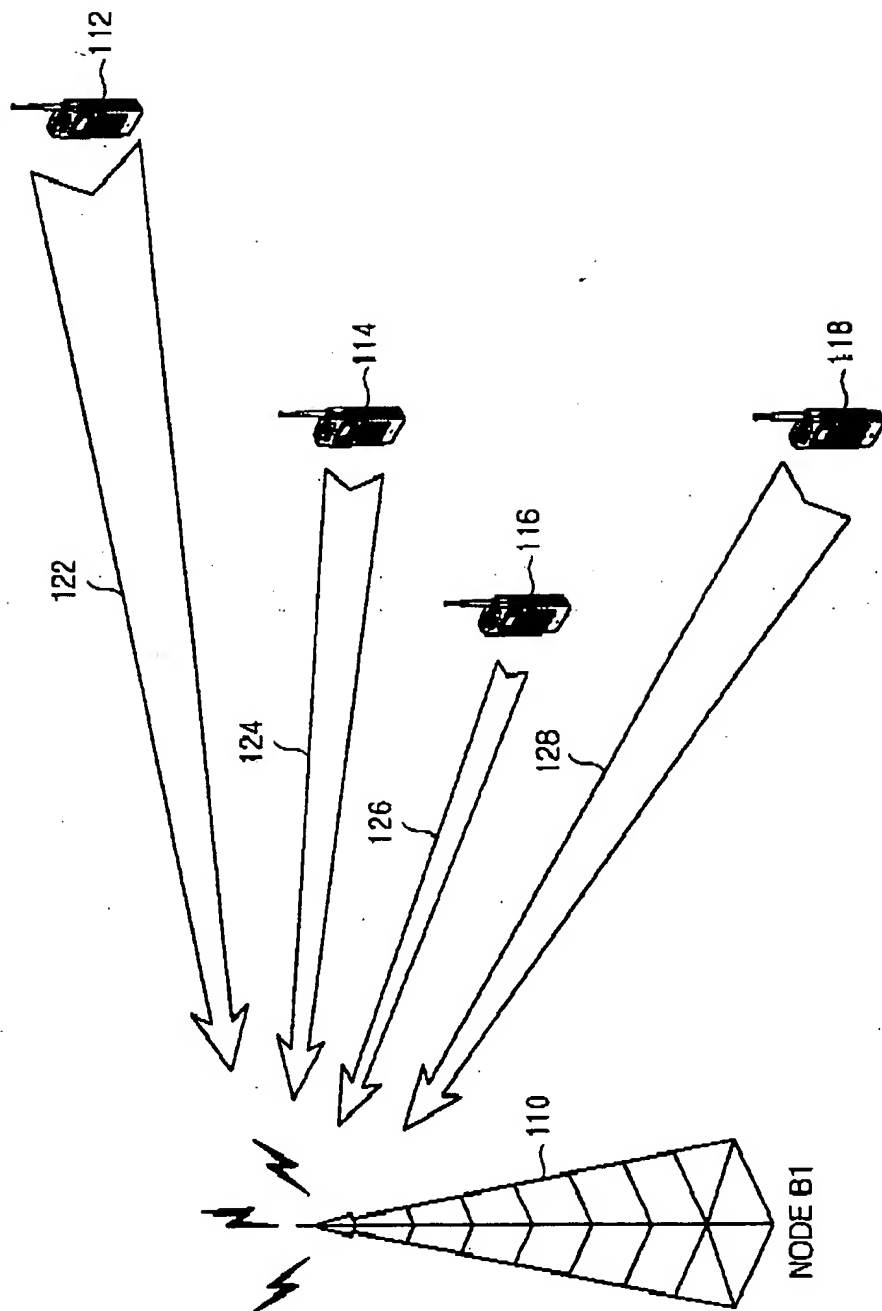


FIG. 1
(PRIOR ART)

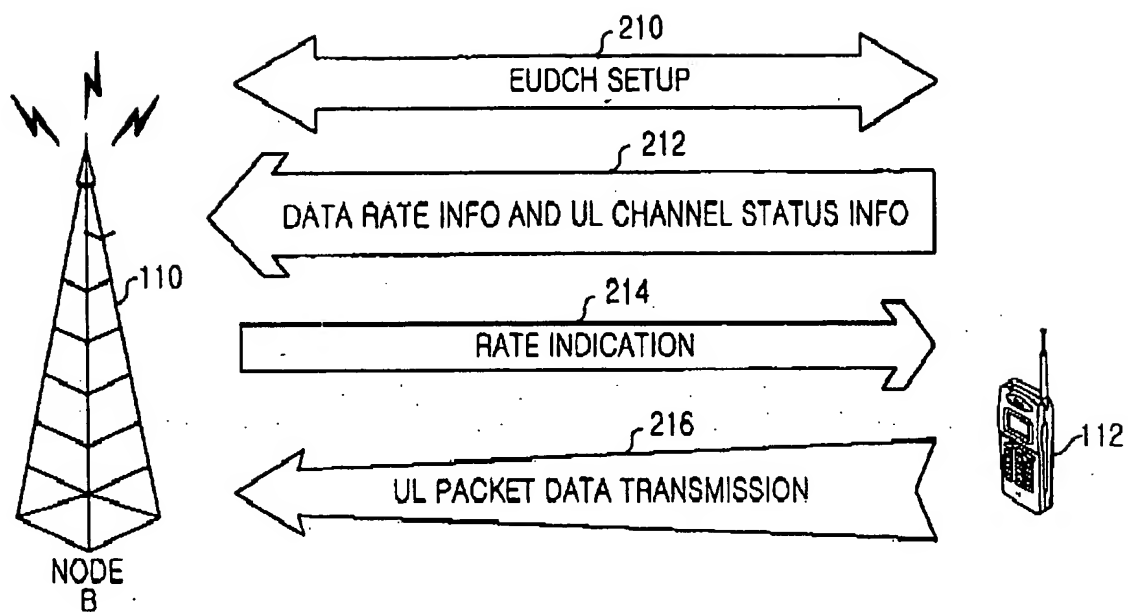


FIG. 2
(PRIOR ART)



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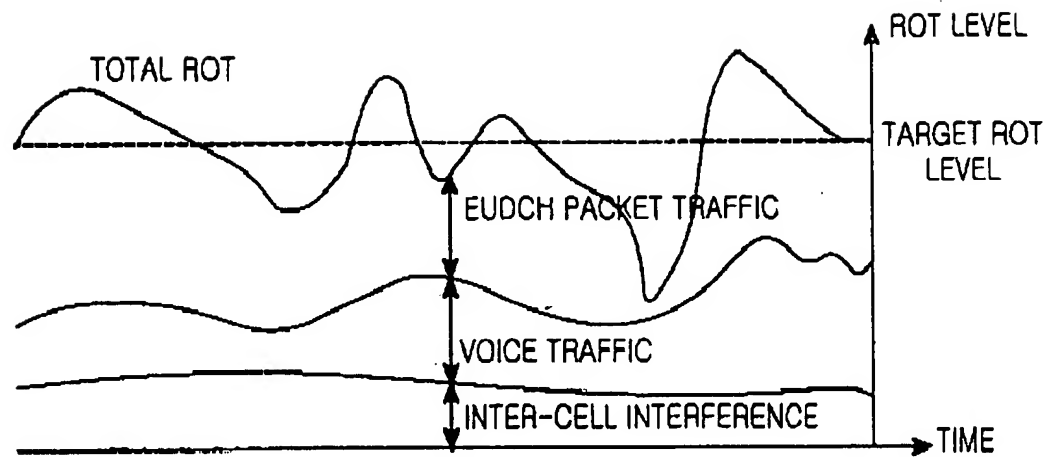


FIG. 3A
(PRIOR ART)

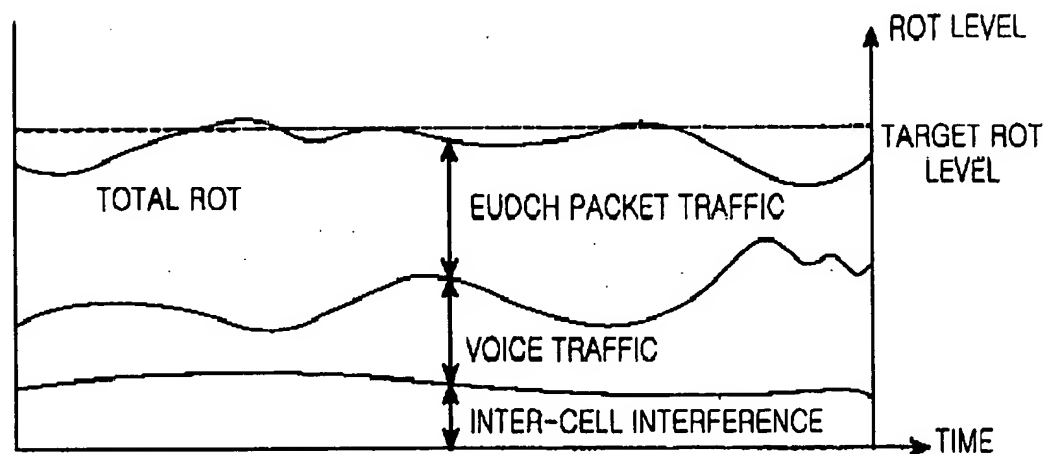


FIG. 3B
(PRIOR ART)

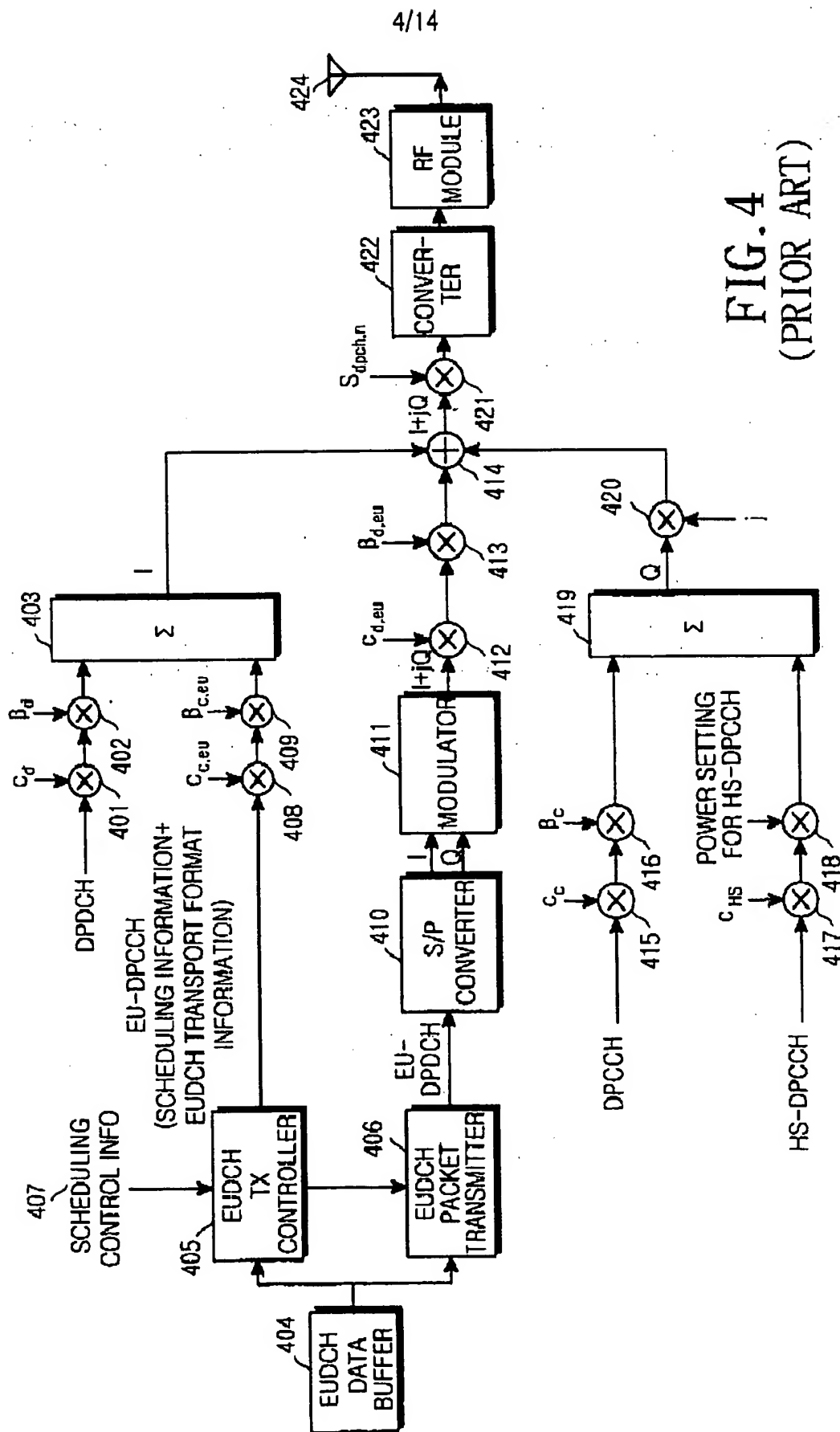


FIG. 4
 (PRIOR ART)



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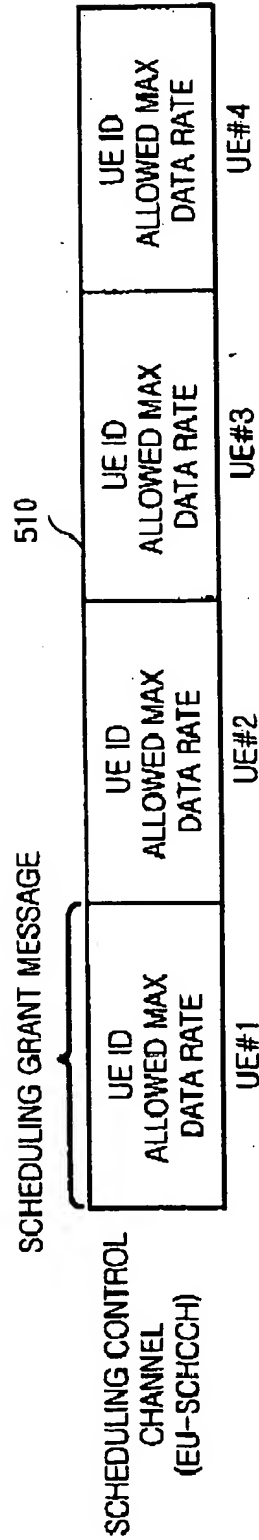


FIG. 5
(PRIOR ART)

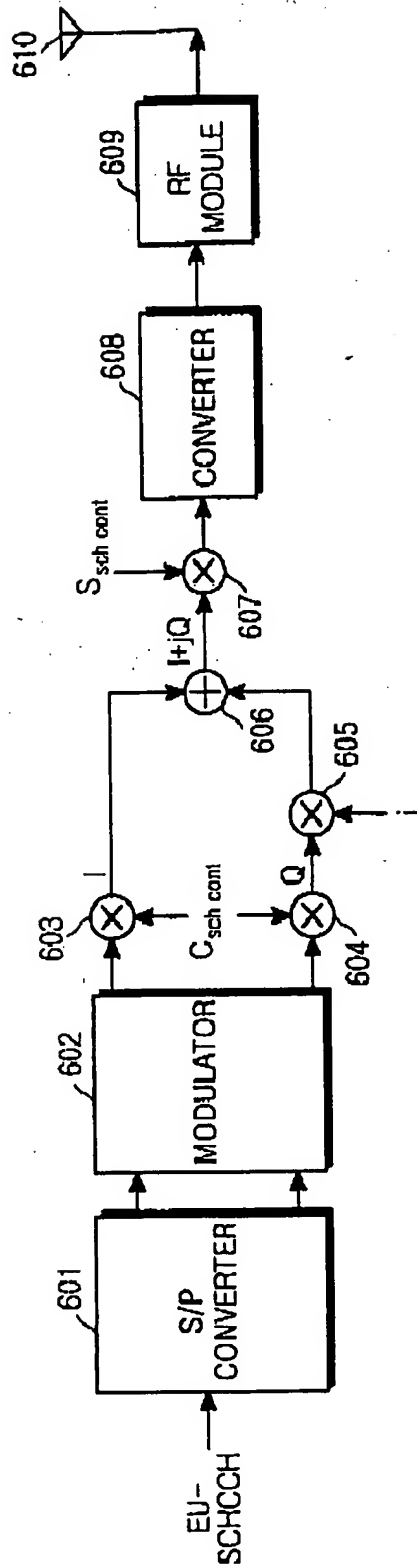


FIG. 6
(PRIOR ART)

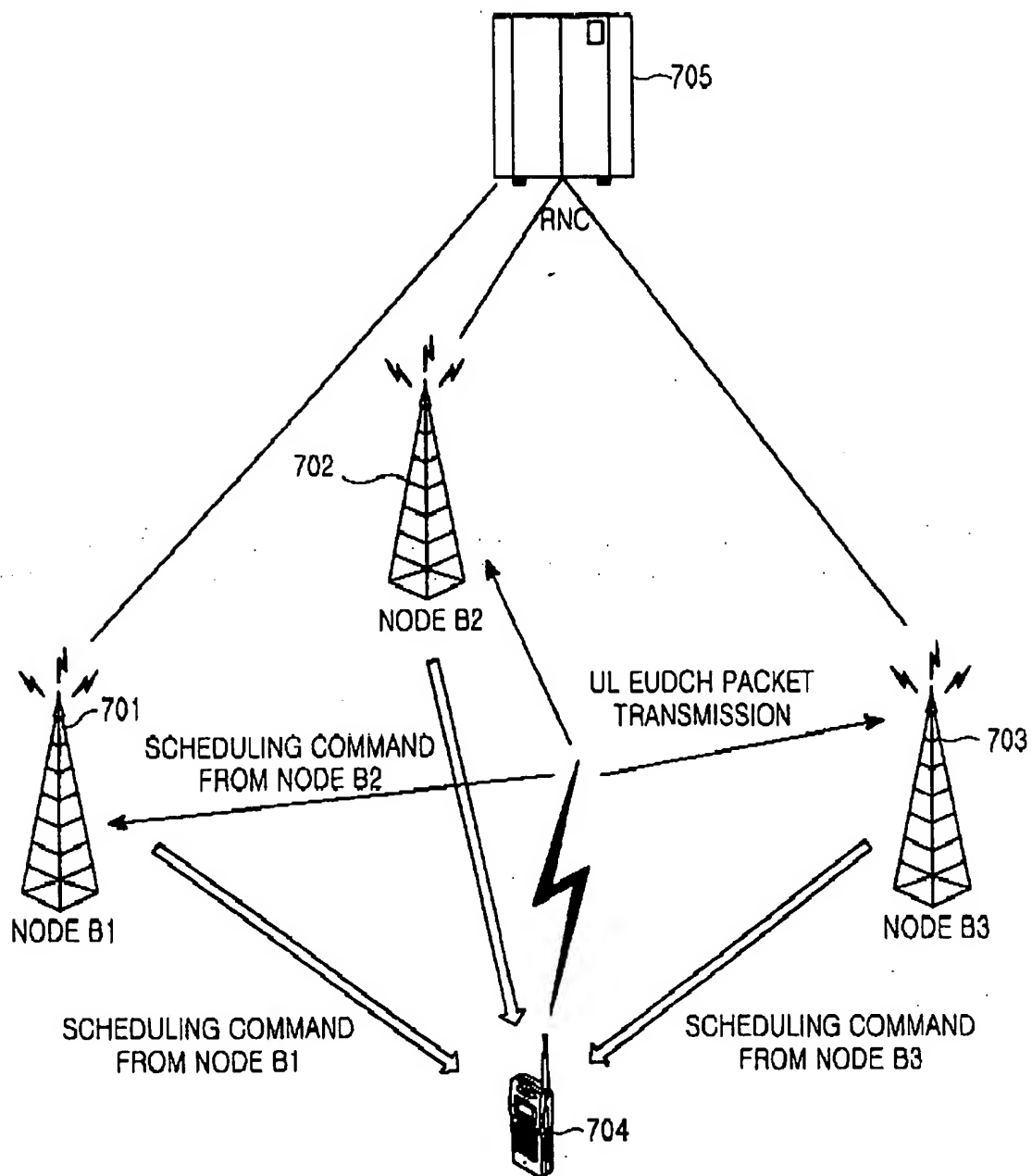


FIG. 7
(PRIOR ART)

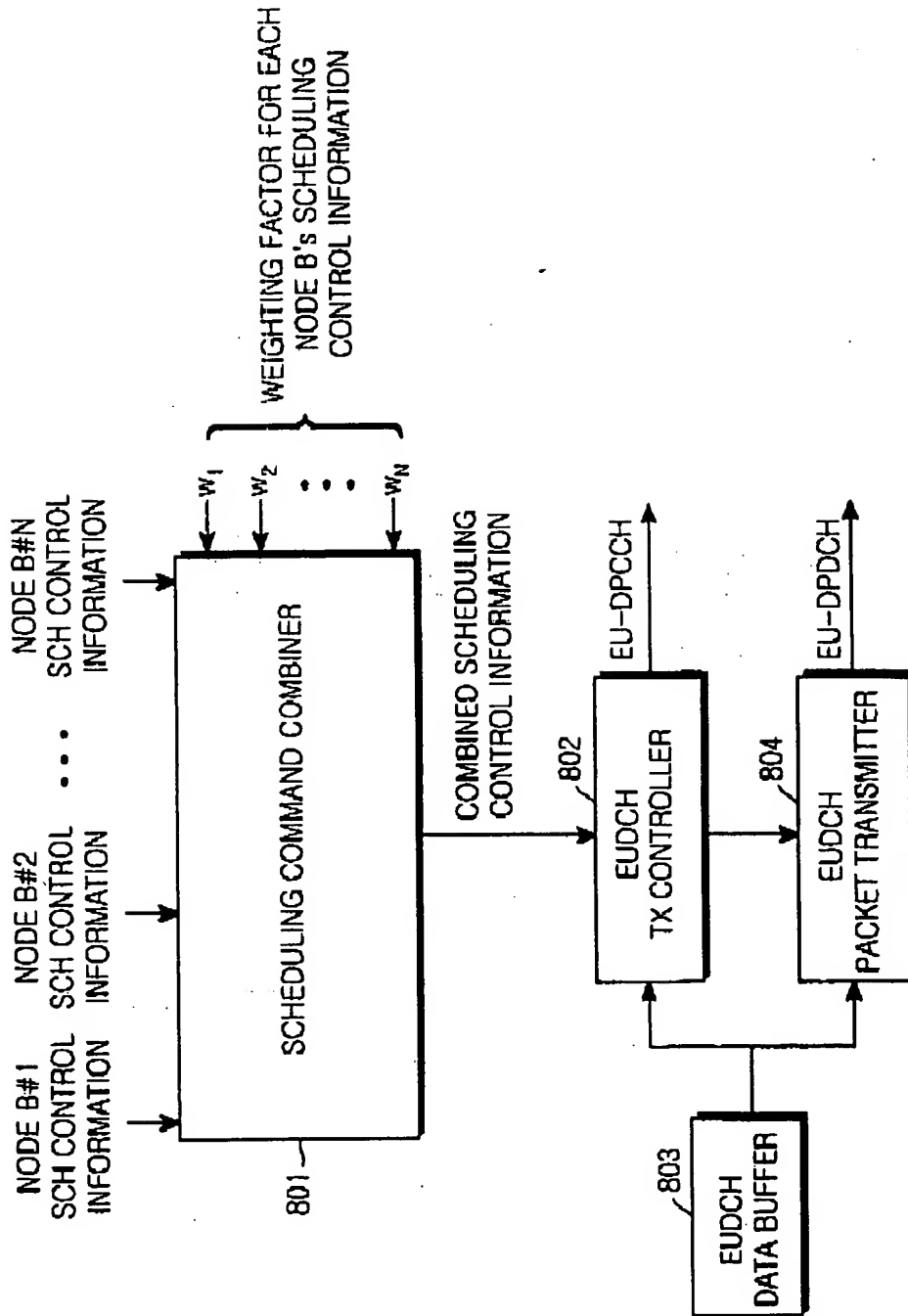


FIG. 8

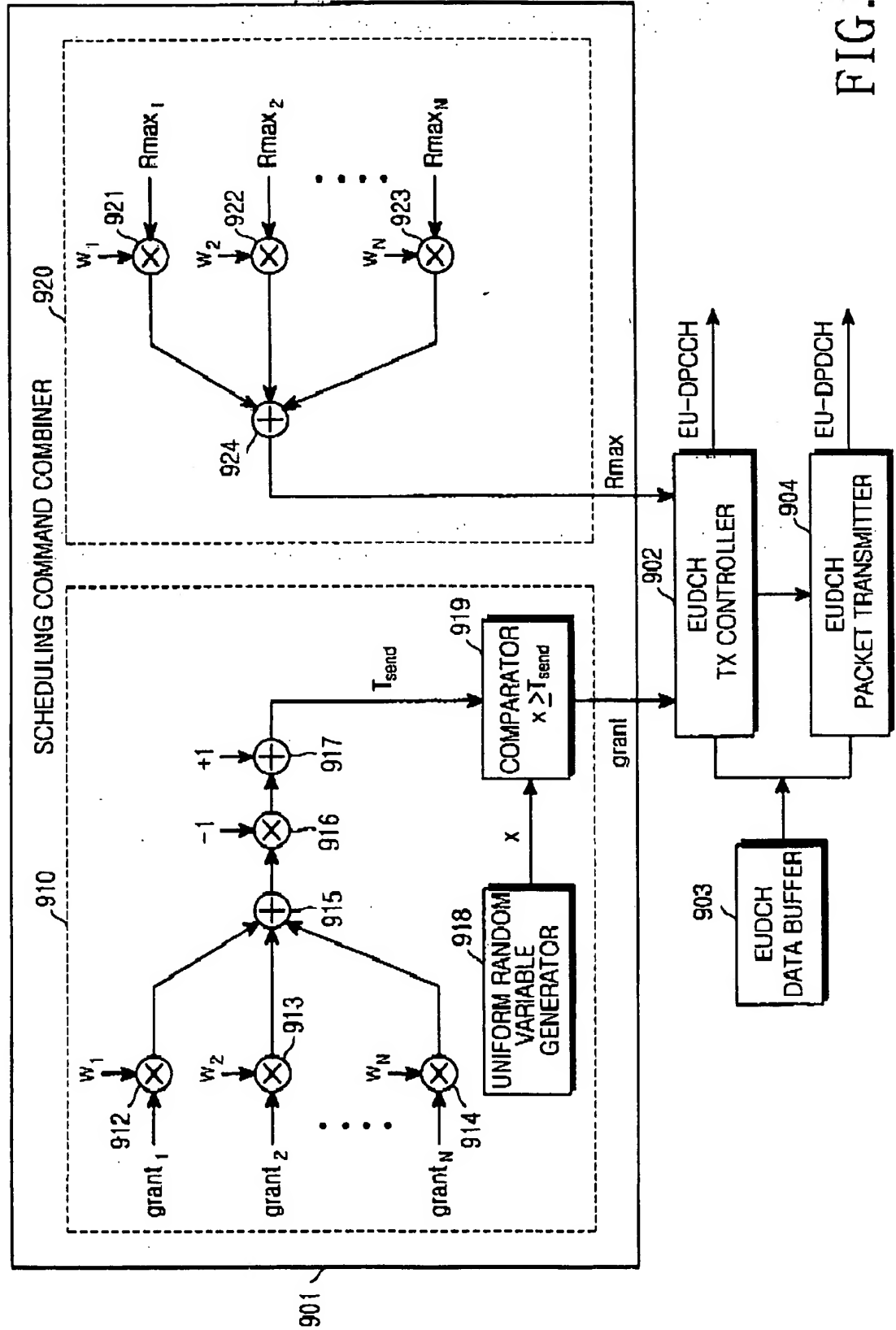


FIG. 9



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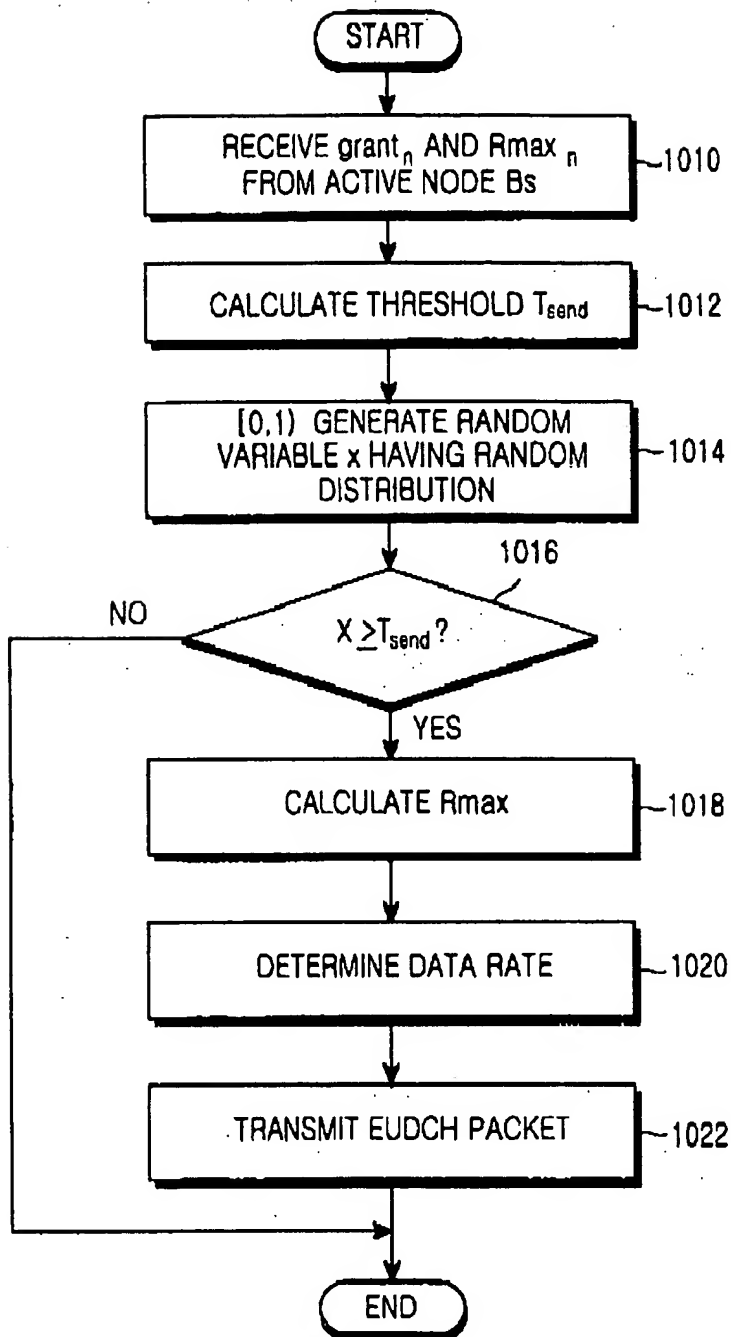


FIG. 10

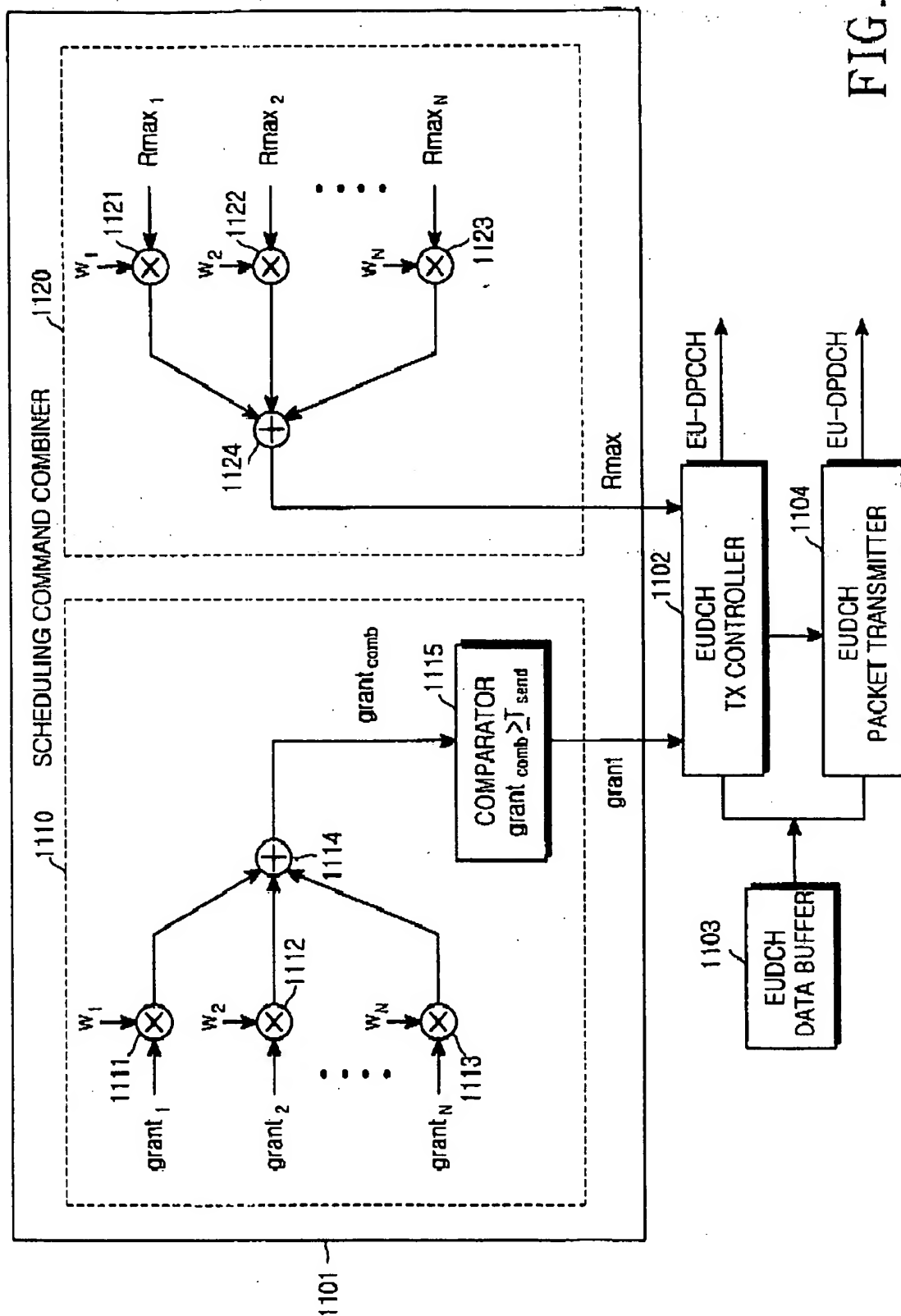


FIG. 11

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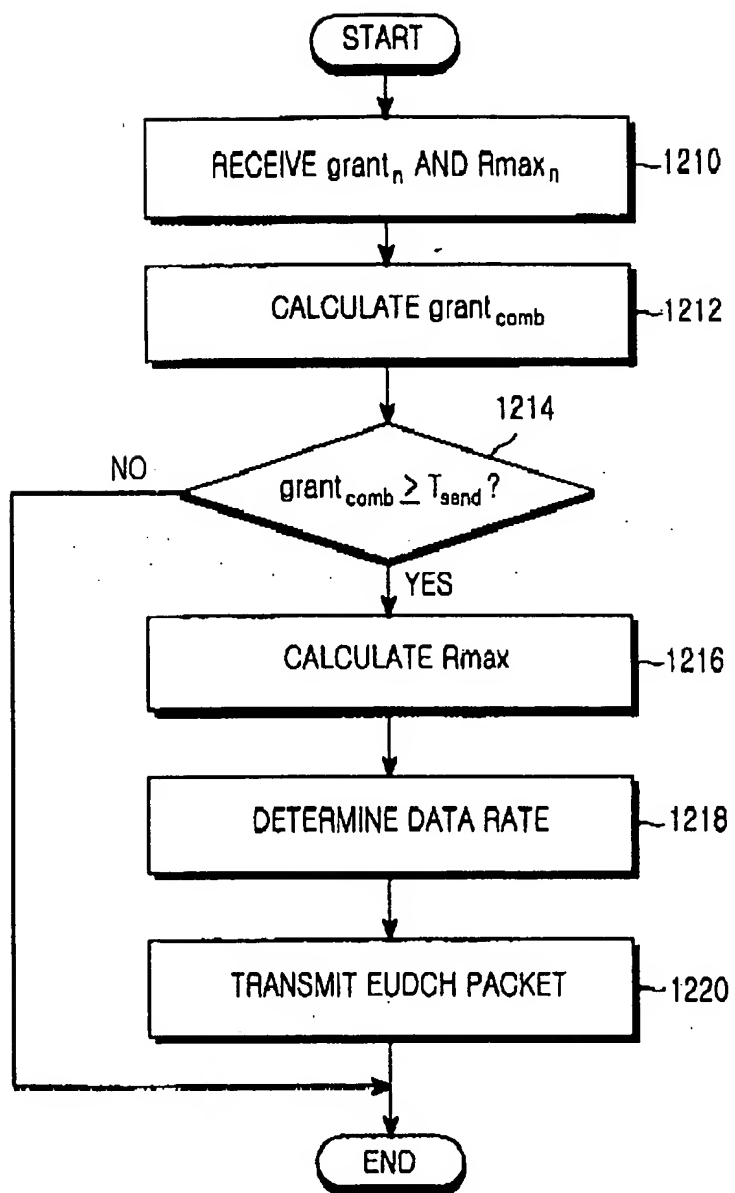


FIG. 12

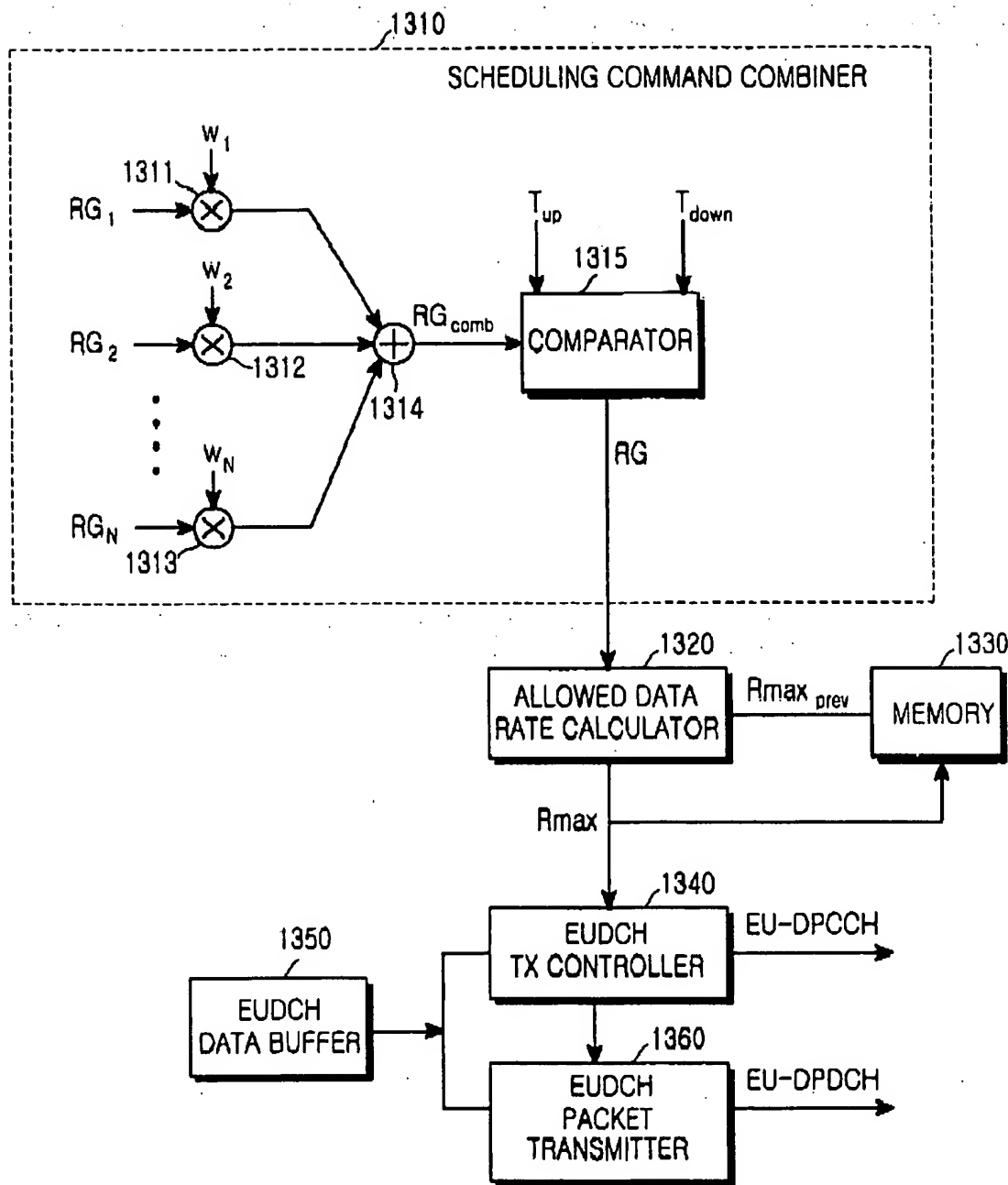


FIG. 13

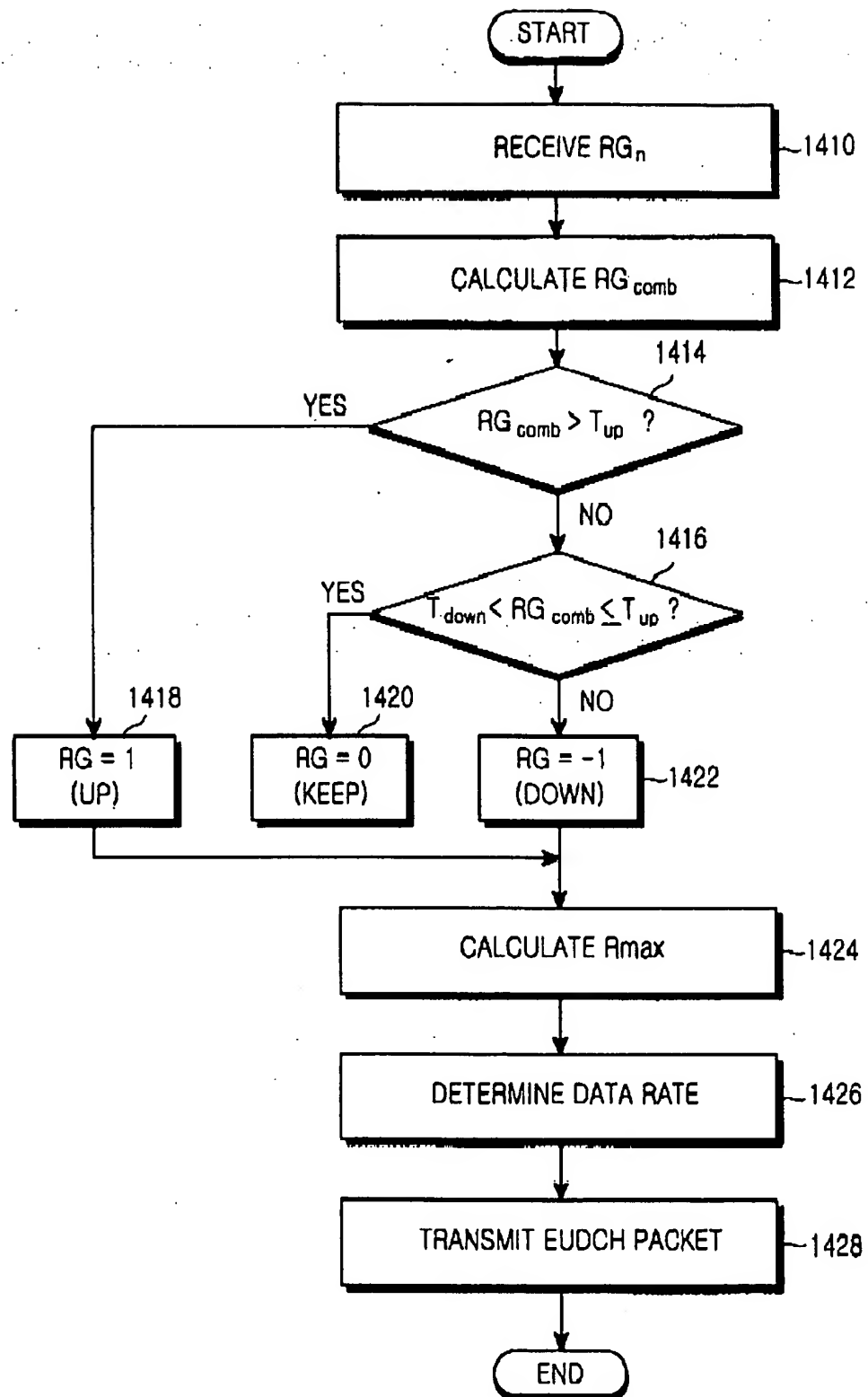


FIG. 14